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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/981,795	10/19/2001	Markus Schetelig	006916.00007	6987
22907	7590	06/14/2007	EXAMINER	
BANNER & WITCOFF, LTD. 1100 13th STREET, N.W. SUITE 1200 WASHINGTON, DC 20005-4051			ZHENG, EVA Y	
		ART UNIT		PAPER NUMBER
		2611		
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/981,795	SCHETELIG ET AL.
	Examiner Eva Yi Zheng	Art Unit 2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 02 February 2007.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 12-28 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 12-19 and 22-26 is/are rejected.  
 7) Claim(s) 20,21,27,28 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_  
 5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

1. In view of the Appeal Brief filed on 2/2/07, PROSECUTION IS HEREBY REOPENED set forth below.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 12-15, 18 and 22-25 are rejected under 35 U.S.C. 103(a) as being anticipated by Ohsuge et al. (US 6,768,729) in view of Persson et al (US 6,587,500).

- a) Regarding claim 12, Ohsuge et al. disclose a method for data extraction from a data stream containing at least one data packet, comprising the steps of:

comparing a bit stream derived from a received digital data stream with an expected bit sequence to determine a correlation value for detecting a data packet (3 in Fig. 18; it is well known that a correlation value is generated by comparing an expected bit sequence with a received bit sequence; the A/D block 6 produce digital sequences) ;

starting data extraction when the correlation value exceeds a threshold value

indicating that a data packet has been detected (7 in Fig. 18; data extraction occurs after receiving peak value from element 18, wherein the peak value is determined from correlation values larger than the threshold value); and

restarting data extraction when the new correlation value exceeds the stored maximum correlation value (7 in Fig. 18; data extraction occurs after receiving peak value from element 18, wherein the peak value is determined from correlation values larger than the new threshold value).

Ohsuge et al. disclose a valid data determination with a threshold section (83 in Fig. 18), but failed to teach storing the correlation value that exceeds a threshold value as a maximum correlation value for use as a new threshold value; and continuing comparing the received bit stream with the expected bit sequence to determine a new correlation value.

However, Persson et al disclose comparison of a correlation value with a variable threshold value, wherein the correlation value is obtained by correlating the received signal with a known bit sequence (206 in Fig. 6). If the current correlation value is greater than the threshold value, the threshold value is updated to the current threshold value. The subsequent correlation value is compared to the updated threshold value (Fig. 4; L40-53). By updating comparator threshold value provide better channel adaptation and decrease the probability of false alarm (Col 3, L21-25).

Therefore, it is obvious to one of ordinary skill in art to implement the teaching of updating correlation value with threshold value as taught by Persson et al in the CDMA

receiver of Ohsuge et al. By doing so, provide better signal channel performance and reduce probability of error.

- b) Regarding claim 13, Persson et al disclose wherein the threshold value is a programmable value (Fig. 4; Col 4, L30-40).
- c) Regarding claim 14, Persson et al disclose wherein the correlation value is stored as the maximum correlation value each time data extraction is started or restarted and the new correlation value continuously determined after starting or restarting data extraction is compared with the stored maximum correlation value (Fig. 4; L40-53).
- d) Regarding claim 15, Persson et al. disclose wherein data extracted prior to restarting data extraction is rejected (since Persson teaches updating threshold value to reduce the probability of false alarm (Col 3, L21-25), it is obvious that the data extracted from the previous threshold (i.e, false alarm) should be rejected so as to improve quality. (official notice is taken here)).
- e) Regarding to claims 18 and 24, Ohsuge et al. disclose a device for data extraction from a data stream containing at least one data packet, comprising:
  - a data extraction unit for extracting data from a received data stream (7 in Fig. 18);
  - a packet detector for comparing a bit stream derived from a received digital data stream with an expected bit sequence to determine a correlation value for detecting a data packet, the packet detector comprising means for comparing the received bit

stream with the expected bit sequence after starting data extraction to determine a new correlation value (3 and 13 in Fig.18).

Ohsuge et al. disclose a sync-control module (8 in Fig. 18) for receiving the correlation value from the packet detector, the sync-control module controlling the data extraction unit for starting or restarting data extraction (7 in Fig. 18), but failed to teach storing the correlation value that exceeds a threshold value as a maximum correlation value for use as a new threshold value; and continuing comparing the received bit stream with the expected bit sequence to determine a new correlation value.

However, Persson et al disclose comparison of a correlation value with a variable threshold value. If the current correlation value is greater than the threshold value, the threshold value is updated to the current threshold value. The subsequent correlation value is compared to the updated threshold value (Fig. 4; L40-53). By updating comparator threshold value provide better channel adaptation and decrease the probability of false alarm (Col 3, L21-25).

Therefore, it is obvious to one of ordinary skill in art to implement the teaching of updating correlation value with threshold value as taught by Persson et al in the CDMA receiver of Ohsuge et al. By doing so, provide better signal channel performance and reduce probability of error.

f) Regarding to claims 22, 23 and 25, Persson et al disclose synchronizes the received data stream based on the stored maximum correlation value (Fig. 6).

4. Claims 16, 17, 19 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohsuge et al. (US 6,768,729) in view of Persson et al (US 6,587,500), further in view of Gurney et al. (US 5,619,542).

a) Regarding claims 16, 19 and 26, Ohsuge and Persson disclose all the subject matters above except for the specific teaching of an initial timing estimator which received the digital data stream for determining an initial estimate prior to starting data extraction for synchronizing data extraction with data stream symbols.

Gurney et al, in the same field of endeavor, disclose an optimal sampling and timing estimation system, comprising symbol timing estimator (204 in Fig.2); symbol timing decimator (202); and a selector (206). The symbol timing decimator minimize receiver signal's measured or estimated distortion. It also provides highest possible signal to noise ratio in a digital receiver. Therefore, it is obvious to one of ordinary skill in art at the time of invention was mad to combine the efficient timing estimation system by Gurney et al with the CDMA receiver by Ohsuge et al. By doing so, provide optimal receiver, better reception signal quality, consume less power, and reduce production cost.

b) Regarding claim 17, Ohsuge and Persson disclose all the subject matters above except for the specific teaching of timing of sampling is continuously tracked by comparing timing of symbols within an oversampled bit stream with actual timing of the sampling and correcting the timing of the sample if a deviation between the timing of the sampling and the timing of the symbols exceeds a value.

Gurney et al, in the same field of endeavor, disclose an optimal sampling and timing estimation system, where oversampled data and optimal sampling phase are coupled with symbol timing decimator (as shown in Fig. 2). This provides highest possible signal to noise ratio in a digital receiver. Therefore, it is obvious to one of ordinary skill in art at the time of invention was mad to combine the efficient timing estimation system by Gurney et al with the CDMA receiver by Ohsuge et al. By doing so, provide optimal receiver, better reception signal quality, consume less power, and reduce production cost.

***Allowable Subject Matter***

5. Claims 20, 21, 27 and 28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eva Y Zheng whose telephone number is 571-272-3049. The examiner can normally be reached on M-F, 7:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chieh Fan can be reached on 571-272-3042. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Eva Yi Zheng  
Examiner  
Art Unit 2611

June 8, 2007



CHIEH M. FAN  
SUPERVISORY PATENT EXAMINER